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09/704,791

11/03/2000

Ralf Martin

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01/13/2005

FOLEY AND LARDNER

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

BROADHEAD, BRIAN J

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,791

Applicant(s)

MARTIN ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-25 is/are allowed.
- 6) ☒ Claim(s) 1,3-10,15-17,19,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 11-14,18,20 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-10, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of Corder, 5615344.
3. Binder discloses an actuating drive(27), an electric circuit operatively connected to the actuating drive, wherein the electrical circuit comprises memory suitable for overwritably storing a subscriber number(14) and wherein the electrical circuit provides for both software and hardware coding of the subscriber number on lines 1-60, on column 7; a control section for inputting control commands to the electrical circuit(29); and at least one electrical cable connecting together the actuating drive, the circuit, and the control section, wherein the circuit is arranged remote from the actuating drive and from the control section (19); the memory includes means for storing a subscriber number and a circuit comprising a component for setting the subscriber number on lines 37-48, on column 7; a means for overwriting the subscriber number with a new subscriber number on lines 4-7, on column 7; the first subscriber number is stored in the memory at the time of production this is inherent, there must be something stored in the memory at the time of manufacture; the first subscriber number is supplied via the data bus on lines 10-13, on column 7; the component comprises a number of switched that

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are manually operable on lines 41-42, on column 7; and where the subscriber number can be set by means of at least one of the connector pads on lines 40-45, on column 7; and said at least one electrical cable includes a positive supply voltage conductor, a negative supply voltage conductor, and a data line(42, 38).

4. Binder does not disclose the memory is an EEPROM; and the circuit is integrated into the cable. Corder teaches the circuit is integrated into the cable on lines 47-52, on column 2; and the memory is an EEPROM on line 23, on column 5. It would have been obvious to one of ordinary skill at the time the invention was made to use the smart cable and memory of Corder in the invention of Binder because such modification would reduce the cost of interfacing various types of devices to a computer system as stated on lines 7-10, on column 2 of Corder.

5. Claims 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder, 5841360, in view of Corder, 5615344, and in further view of Brenner et al., 6225769.

6. Binder and Corder disclose the limitations as set forth above. Binder and Corder do not disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap; and the actuating drive is a stepping motor. Brenner et al. disclose a flap in a heating system wherein the flap is operatively linked to the actuating drive and wherein the flap comprises a mixing air flap or defroster flap on lines 2-7, on column 5; and the actuating drive is a stepping motor on lines 25-29, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control the motor

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and flap of Brenner et al. with the control system of Binder and Corder because such modification would allow the systems of the motor vehicle of Brenner et al. to be controlled by a intelligent, networked series of intelligent cells as stated on lines 40-45, on column 8, of Binder.

Response to Arguments

7. Applicant's arguments filed 10-21-04 have been fully considered but they are not persuasive. The argument that Binder does not disclose overwritingly storing a subscriber number is not convincing since on lines 1-36, on column 7, Binder discloses how the internal address is set one the fly and can change. When the new address is changed, the old address will be overwritten. Binder does not only disclose ROM, the section referred to is only talking about an alternative to the dip switches for the preprogrammed hardware address. Also, Corder is not relied upon to teach EEPROM instead of ROM. Binder must already have some type of writeable memory since the address changes and Corder is used to teach that EEPROMs are a known in the art for storing configuration information.

Allowable Subject Matter

8. Claims 21-25 are allowed.

9. Claims 11-14, 18, 20, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose the subscriber number can be set by means of

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at least one of said connector parts via software coding by way of data provided from a data line connected to one of the connector parts; the manual supplying of the first subscriber number comprises providing a unique subscriber number by selectively making at least one connection between a plurality of contacts in a connector, respectively, to one of plural conductors contained in the databus; two mutually associated connector parts for connecting the circuit to the cable wherein each connector part comprises at least 2 planes, each plane comprising at least 3 connector contacts that are selectively connectable to a conductor in the cable.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


BJB


THOMAS G. BLACK
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GROUP 3600